

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONERFILED  
HARRISBURG, PA

AUG 27 2020

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAPER   
DEPUTY CLERKJoseph Charles Tice  
Full Name of Plaintiff Inmate Number  
Booking # 20-06-080

v.

Civil No. \_\_\_\_\_  
(to be filled in by the Clerk's Office)Bryan Kata  
Name of Defendant 1☒ Demand for Jury Trial  
☐ No Jury Trial DemandJoseph Gudosh  
Name of Defendant 2A.D.A Ferentino  
Name of Defendant 3Ferris Peter Webby Sr.  
Name of Defendant 4Donald L. Wittaker  
Name of Defendant 5(Print the names of all defendants. If the names of all  
defendants do not fit in this space, you may attach  
additional pages. Do not include addresses in this  
section).

## I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

Attached From Page 1

Defendant(s)

~~Name of Defendant 6 Joseph~~

6

Name of Defendant 7 Robert Borkowski at Kingston  
PA PSP

**II. ADDRESSES AND INFORMATION**

**A. PLAINTIFF**

Name (Last, First, MI)

Tice Joseph C

Inmate Number

Booking # 20-06-080

Place of Confinement

Luzerne County Detention Center

Address

99 Water Street Wilkes-Barre 18702 Luzerne County

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☒ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee  
☐ Convicted and sentenced state prisoner  
☐ Convicted and sentenced federal prisoner

**B. DEFENDANT(S)**

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Kata Bryan

Name (Last, First)

Kata Bryan

Current Job Title

Police officer

Current Work Address

Nanticoke Municipal Police Department

City, County, State, Zip Code Don't know the address

Defendant 2:

Name (Last, First)

Gurlosh Joseph

Current Job Title

Police officer

Current Work Address

Nanticoke Municipal Police Department

City, County, State, Zip Code

Defendant 3:

Name (Last, First)

A.D.A Ferentino

Ferentino A.D.A

Current Job Title

Prosecutor

Current Work Address

Luzerne County Court house Wilkes-Barre PA

City, County, State, Zip Code

Defendant 4:

Name (Last, First)

Webby Sr, Ferris Peter

Current Job Title

Magisterial District Judge

Current Work Address

Luzerne County Courthouse Wilkes-Barre-PA

City, County, State, Zip Code

Defendant 5:

Name (Last, First)

Wittaker, Donald L

Current Job Title

Magisterial District Judge

Current Work Address

Luzerne County Courthouse Wilkes-Barre PA

City, County, State, Zip Code

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Defendant(s)

~~JT~~  
~~Defendant 6 Joseph~~

~~JT~~  
~~Luzerne County Detention Center~~  
~~Warden~~

Defendant 7 Borkowski, Robert

PSP Wyoming HQ - PPS9300  
State Police

All Defendant(s) In their Individual Capacity

### III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

14 W. Market Street Nanticoke PA at approximately 7:00 PM  
on 6-15-2020 and then again on 7-27-2020  
at the Wyoming PSP HQ - PA PSP9300

B. On what date did the events giving rise to your claim(s) occur?

On 6-15-2020 and then on 7-27-2020

C. What are the facts underlying your claim(s)? (For example: What happened to you?  
Who did what?)

Long history leading up to these civil rights violation along  
as with civil rights violation ~~long~~ leading up to these violations  
as in Subject Matter Jurisdiction.

In 1996 I was living in Whitehaven PA when I was pulled  
over by the police. They ran my name it came back that SC  
has a warrant for my arrest from 1988, and that they would  
not extradite me. In 2008 I moved to Missouri with some  
friends. Some time towards the end of 2008 I was stopped again  
by the police. This time they said SC has a warrant from 1988  
for a CSC 2 Charge, and to arrest me. I got to Columbia SC. On  
1-29-2009 for an offense that I did not do. From 1996 to 2008, I have  
been stopped many times, and SC would not extradite me. I sat  
in the county jail for about 6 months before I got a Pre-lim  
hearing. My bond was set at \$100,000.00 on 1-30-2009. From  
1-29-2009 to Pre-lim I seen a PD 1 time. The Judge held me over  
for trial. A year goes by and no PD came to talk to me.

Please see attached

Attached to page 4 Part 1

From 1-29-2020 to 2011, I seen a attorney 3 times, for about 10 minunts each time. On 8-11-11 Im taken to court to plead not guilty. For the record I did not reseive any Brady / Discovery, nor has any eye witnesses or victims came forward to Id me, throughout all of the proceeding, nor in the indictment. On 8-11-11 I was taken to the Court were I sat in a holding cell waiting to go to court, when they came and got me the attorney told me that the state offered a plea of 20 years suspended to 5 years probation, and that if I did not take this plea, there would be no more offers and the would give me life, and that he did not think he could win this at trial. I just spent 3 years in the County Jail were I seen inmates through off the top tier dead, inmates better by gangs to dead, and my life threaten every day. Out of fear, and not knowing how to fight my case to prove my innocences and no help, the 5 years probation looked good. I took the plea for a crime I did not do. I violated my probation several times. The last time was 2016. This time I went to prison for the remainder of the 20 years at 85%. While I was in prison, I found out about a law librer library. I went, were I first talked to a law clerk telling him what happend to me. He told me to wright the Clerk of Court and get my warrants, indictments, and Sentence sheets, So I did. He also told me that I should have recieved Brady / Discovery and that since I did not receive it that it violated Brady v. Maryland and Due process. When I got the warrants, indictments, and Sentence sheets back. The law clerk looked at them. On the

Attached to page 4 Part 2

On the warrants in date of alleged offense is 1988 and Crime Code 16-3-656. On the indictment in date of alleged offense is 1988, and Crime Code 16-3-655(B). On the back under witnesses, there were only 3 Richland County sheriffs. No first hand witnesses or victims. On the Sentence Sheets, in date of alleged offense is 2008, and Crime Code ~~16-3-656~~ 16-3-655(B), and conviction date 8-11-11. As the law clerk is looking at the documents, he tells me that 16-3-655(B) is the wrong crime code for 1988. Then he looked up the effective date for 16-3-655(B) and told me that 16-3-655(B) did not become effective until June 1, 2005, and that law is 18 years past the date of alleged offense, and that it changes the nature of the offense. He continues and states that the Sentence Sheets contain false information in the date as well as 16-3-655(B). That I should file a PCR. On June 2017 my PCR was filed. A attorney was appointed to me. This attorney did not talk to me until 12 days before the first PCR hearing. When I told her about these issues on the face of these documents, she refused to fight them and told me that PCR is only for ineffective counsel. I had her moved off my case. It is now 2018. The court appoints another attorney that said the same thing as the first. I had him moved off my case and demanded my right to represent myself. It was granted. I believe my last PCR hearing was August 2019, where the attorney general tried to convince the judge that the statute of limitations had ran.



Attached to Page 4 Part 3

I argued that it did not rung that on the face of the indictment was fraud, and in fact because of that the Judge lacked Subject Matter Jurisdiction to prosecute this Case. The Judge order a full review, a paralegal under me, and stated the Court needs help. The next term for PCR was in December and was continued to April 2019, then continued again. But I was released from prison before April 2019 when my max out date was 2022. I did not have probation or parole. I signed papers to come home to PA, got on a bus and came here. Before I left S.C. I read a article stating that on July 19, 2017, the Pennsylvania Supreme Court Majority held that SORNA, violated the ex post facto provisions of both Federal and State Constitution. PA CONST. art 1 §17: Commonwealth v. Muniz 164 A.3d 1189, 1222. The Muniz Majority held that Pennsylvania's SORNA is an unconstitutional ex post facto law when applied retroactively to those Sexual offenders convicted of applicable crimes ~~for~~ before the acts effective date and subjected to increased registration requirements. And I read ~~the~~ Recently, in Commonwealth v. Lippincott, - A.3d -, 2057 EDA 2014, 2019 WL 1612677, (Pa. Super. 2019, en banc), the Superior Court held that the version of Megan's law or SORNA in effect at the time the offense occurred, is the version that is applicable. Accord Commonwealth v. Wood and Commonwealth v. Butcher; Not the version that is in place at the time of conviction, sentencing, when released from incarceration or at any subsequent point later. I also read before coming home The Sentencing

Attached to Page 4 Part 4

Reform Act of 1984 effective 1987 That states a accused will be sentenced under the law that exist when the offense occurred. So when officer Bryan Kater and Joseph Gudosh took me into custody and arrest me for violations of Megan's law / SORNA, They violated U.S. Law in the Sentencing Reform Act of 1984 effective 1987, Due Process, the ex post facto provisions of both Federal and State Constitution and Both the PA Superior and Supreme Court holdings, And the underlying case lacked Subject Matter Jurisdiction to convict and sentence me. Then when ~~ADA~~ A.D.A Ferentino told Kater and Gudosh to charge me he became part of the violations of my Civil rights, then when Magisterial District Judge Ferris Peter Webby Sr, became a part of the violations of my civil rights when he order a bond of \$100,000.00 and Magisterial District Judge Donald Wittaker became a part of the violations of my civil rights, and Warden Joseph became a part of the violations of my civil rights when he held me over to trial on false information he became a part of the violations of my rights. And on 7-27-2020 The Natick police forced me to go to the PA PSP HQ and made me register against my will by threat of force. Which made Robert Borkowski Trooper Registering official part of the violations of my civil rights.

#### IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

First is The U.S. Law in the Sentencing Reform Act of 1984 off 1987 were the alleged date of alleged offense is 1988. The Sentencing Reform Act was violated when the State of S.C. attached 16-3-655(B) to the indictment for the alleged offense of 1988 when 16-3-655(B) did not become eff until June 1, 2005. This deprived me of my Due process right of law and deprived me of life, liberty and property. The false information on the Sentence Sheets deprive and indictment deprived the underlying Court of Subject matter Jurisdiction. Therefore Due process, ex post facto, Cruel and unusual punishment, fraud and false pretence on legal document and deceit on the grand Jury. Forced to Compl to Megan's law/SORNA by threat. Probably all 10 of my bill of rights have been violated in this case

#### V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

I have been in custody since 2009 over this, I lost contact with my family because they turned there backs on me

#### VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

First I want your court to state that these charges in this Luzerne County Court must be dismissed on the grounds that this whole case was obtained in violation of many

Attached from Page 5 part 1

Indur y

I've lost 9 horses, my place of residence 3 New  
 laptops, ~~all~~ all my riding tech, ~~all~~ all my cloths  
 all my Cookware, all my belongings all my camp gear  
 fishing gear. My new wife is now gone my ~~name~~ name  
 has been Slandered all over the world through Megan's  
 law / SORNA through the internet. I can't get a good  
 job like you - I can't be near my grand kids. Everyone looks  
 at me as a rapist, I can't go where kids are, I must  
 go to PA PSP once a month must give all information  
 about my life where I go where I eat where I sleep  
 when I move I'm facing felony charges name in the  
 newspaper I can't go to the park I can't go to the  
 fair The government wants to know my phone #  
 my Email address all of the punitive provisions of  
 Megan's Law / SORNA and the felony consequences If  
 I do not comply, get to inform if I go to school  
 If I take a job or if I change anything in my  
 life ~~not~~ like job home Phone where I eat sleep  
~~hand~~ hang out go for fun, can't go to pool or beach  
 I can't work where kids are around. I cannot go or come  
 anywhere without reporting it the PA PSP I'm homeless  
 because of this and have no ties anywhere so I keep  
 moving seeking help from Churches I get turned  
 away ~~from~~ from people who seen me on the internet  
~~TV~~ TV news paper and am treated as I am the  
 worst person on this earth ~~to~~ When I did nothing

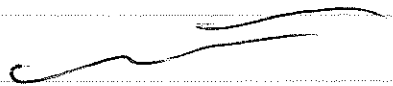
Attached from Page 5 Part 2

Relief

of my Civil Rights and that the Luzerne County Court has no Subject Matter Jurisdiction to prosecute this case because of the underlying case lacked Subject Matter Jurisdiction because of a faulty indictment, and this court cannot continue on the false information that is on the sentence sheet

I would like monetary relief because of my confinement here, the lost of my wife, name ~~st~~ slandered on the internet, TV, News paper, the lost of my \$200.00 Tent \$60, Sleeping bag, \$40 air mattress, \$80.00 Backpack, \$70.00 Clippers, \$10.00 Camp shovel, \$10.00 hatchet \$60.00 wagon to pull my camp gear and funds to pay for TV, News paper, and feed radio for reason to find my wife. And what ever funds your court finds suitable for these civil violations from the State of PA and take me off of Megan's law / SORNA and a safeguard put in place that this never happens to me again, and payed for every day I sat in jail or prison here in PA

I Joseph Tice  
Respectfully Submitter  
This Claim



**VII. SIGNATURE**

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

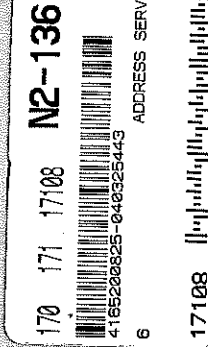
Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

Joseph Charles Tice  
Signature of Plaintiff

8-21-2020  
Date



Joseph Tice  
CDC-MOU-C-21  
19 Water Street  
Wilkes-Barre PA  
18702



RECEIVED  
HARRISBURG, PA

AUG 27 2020

PER  DEPUTY CLERK

United States District Court  
Middle District of Pennsylvania  
~~228 Walnut Street~~  
228 Walnut Street  
P.O. Box 983  
Harrisburg, PA 17108

This correspondence is from a county  
correctional facility and the sender is an  
inmate. The contents have not been  
checked. Luzerne County Correctional  
Facility is not responsible for the  
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